

EX PARTE OR LATE FILED

WINFORUM

August 15, 1994

Federal Communications Commission
Attn: William F. Caton, Acting Secretary
1919 M. Street NW, Room 222
Washington, DC 20554

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AUG 15 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

RE: EX Parte Filing PR Docket 93-61, Automatic Vehicle Monitoring

Dear Mr. Caton:

As an interested association representing manufacturers of Part 15 spread spectrum data communications equipment, the Wireless Information Networks Forum, Inc. (WINForum) files its comments on an informal proposal we have learned is being offered as a "compromise" resolution in the above referenced Docket. WINForum is eager to resolve the LMS/AVM issue in a manner which does not jeopardize the significant investment the equipment industry is making in unlicensed spread spectrum technologies and its associated impact upon employment.

The August 1994 FCC Staff Proposal

Part 15 devices now operate throughout the entire 902-928 MHz band on a secondary basis. While the environment also includes some licensed operations, the degree of use is relatively limited and therefore, the current level of interference for consumers using Part 15 devices has not yet been a significant problem. Also, the degree of interference likely from Part 15 devices to LMS/AVM is not yet clear. The Commission's rulemaking on AVM threatens to create a situation that may not be optimal for all parties.

WINForum is pleased the Commission recently recognized the need to support the continued viability of the Part 15 consumer market in another band that allows part 15 operation. While referring to 2.4 GHz, WINForum believes the philosophy also applies directly to other bands in which part 15 operations are allowed. In its August 9, 1994 report to Secretary of U.S. Department of Commerce Donald H. Brown, the Commission stated on page 22:

...installing a licensed service in this band [2402-2417 MHz] may result in a loss to the public of Part 15 spread spectrum communications equipment... The benefits of providing short-range communications via unlicensed low power devices is generally recognized, and interest in such devices is growing.

WINForum trusts the Commission is similarly interested in encouraging the continued ability of the industry and the public to utilize fully the 902-928 MHz band for Part 15 consumer devices. Therefore, WINForum is very interested in the recent staff "compromise" which has been verbally presented in discussions with the industry. Our understanding of the "compromise" is as follows:

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1) The bands 902-904 MHz, 910-920 MHz, and 926-928 MHz would be available for non-multilateration AVM/LMS systems, e.g., such as local-area "tag reader" systems. The bands 904-910 MHz and 920-926 MHz would be available for multilateration systems "exclusively" and licenses would be auctioned. A Part 15 device operating in these multilateration bands would not be considered a source of harmful interference unless at least one of the following "threshold" criteria is met:

- a) it is an outdoor device with an antenna more than 5 meters above the ground;
- b) it uses spread spectrum under §15.247 and radiates more than 6 dBW effective isotropic radiated power ("EIRP"); or,
- c) it is a field disturbance sensor operating under §15.245.

2) If a Part 15 device meets one or more of these criteria and is allegedly causing interference to a multilateration system operating in either the 904-910 MHz band or the 920-926 MHz band, the Part 15 operator must work to resolve the alleged interference in accordance with its secondary status. (Part 15 devices operating in the remaining band segments would be required to solve any alleged interference problems even if the above conditions are met.

3) In the band 910-920 MHz, multilateration systems would be allowed on a secondary basis to non-multilateration systems but would have no hierarchical superiority over Part 15 devices.

From the consumer's standpoint, any real solution to the Part 15 and AVM/LMS issue must consider the potential for interference to Part 15 from AVM/LMS, as well as harmful interference to AVM/LMS from Part 15. The AVM/LMS rules should therefore be structured so their operations do not significantly impair existing Part 15 operations.

While WINForum appreciates the opportunity to consider alternative solutions to these issues, it does not believe the time allowed to consider the informal staff "consensus" is sufficient. Further, as the staff plan has only been presented verbally, WINForum is concerned that the potential for misunderstandings in these "negotiations" is relatively high. A better approach may be to hold either Commission sponsored or industry sponsored forums to more fully examine the issues, given the Commission's stated interests in reaching some compromise which allows both AVM and Part 15 operations to flourish.

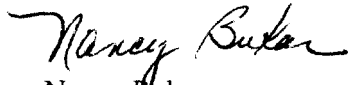
Further, it is not clear how the Commission would enforce the "thresholds" suggested in the informal proposal. The problem facing the Commission would be to identify the signal causing the alleged harmful interference to the AVM/LMS operations when there are thousands of Part 15 devices operating in the area.

Therefore, WINForum believes that the Commission and industry must engage in a more orderly fact-finding mission to determine the real interference potential as well as the realistic impact on Part 15 consumer operations before granting any new use with such access priority that could so seriously impair the millions of Part 15 devices in use..

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WINForum and its member manufacturers can assist the Commission in resolving these technical and marketing issues to the benefit of the entire public.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Nancy Bukar".

Nancy Bukar
Administrator
Wireless Information Networks Forum, Inc.

cc: Rick Engleman, FCC OET
Ron Netro, FCC PRB